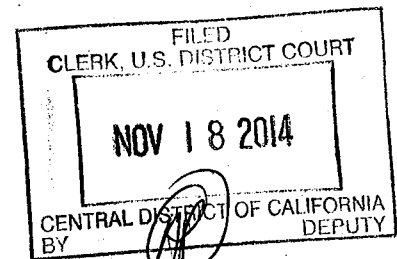


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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

UNITED STATES OF AMERICA ex
rel. [UNDER SEAL],

Plaintiff[s],

v.

[UNDER SEAL],

Defendant[s].

No. CV 13-09173 FMO (SSx)

UNITED STATES' NOTICE OF ELECTION
TO DECLINE INTERVENTION

[FILED UNDER SEAL PURSUANT TO THE
FALSE CLAIMS ACT, 31 U.S.C. §§
3730(b)(2) AND (4)]

[LODGED CONCURRENTLY UNDER SEAL:
[PROPOSED] ORDER ON UNITED
STATES' NOTICE OF ELECTION TO
DECLINE INTERVENTION]

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v.

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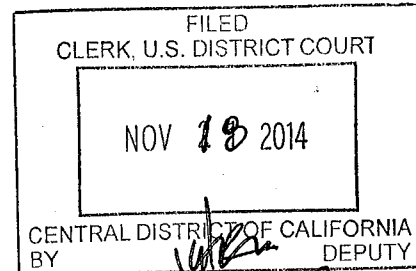
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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

UNITED STATES OF AMERICA ex
rel. KEVIN CODY and MUGE
CODY,

Plaintiffs,

v.

MANTECH INTERNATIONAL
CORPORATION,

Defendant.

No. CV 13-09173 FMO (SSx)

UNITED STATES' NOTICE OF ELECTION
TO DECLINE INTERVENTION

[FILED UNDER SEAL pursuant to the
False Claims Act, 31 U.S.C. §§
3730(b)(2) and (4)]

[LODGED CONCURRENTLY UNDER SEAL:
[PROPOSED] ORDER ON UNITED
STATES' NOTICE OF ELECTION TO
DECLINE INTERVENTION]

1 Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B),
2 the United States of America ("United States") notifies the Court of
3 its decision not to intervene in this action.

4 Although the United States declines to intervene, we
5 respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows
6 the relators to maintain the action in the name of the United
7 States; providing, however, that the "action may be dismissed only
8 if the court and the Attorney General give written consent to the
9 dismissal and their reasons for consenting." Id. The United States
10 Court of Appeals for the Ninth Circuit has held that,
11 notwithstanding this language, the United States has the right only
12 to a hearing when it objects to a settlement or dismissal of the
13 action. United States ex rel. Green v. Northrop Corp., 59 F.3d 953,
14 959 (9th Cir. 1995); United States ex rel. Killingsworth v. Northrop
15 Corp., 25 F.3d 715, 723-25 (9th Cir. 1994). Therefore, the United
16 States requests that, should either the relators or the defendant
17 propose that this action be dismissed, settled, or otherwise
18 discontinued, this Court provide the United States with notice and
19 an opportunity to be heard before ruling or granting its approval.

20 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United
21 States requests that all pleadings filed in this action be served
22 upon the United States; the United States also requests that orders
23 issued by the Court be sent to the United States' counsel. The
24 United States reserves its right to order any deposition
25 transcripts, to intervene in this action, for good cause, at a later
26 date, and to seek the dismissal of the relators' action or claim.
27 The United States also requests that it be served with all notices
28 of appeal.


1 Finally, the United States requests that the relators'
2 Complaint, this Notice, and the attached proposed Order be unsealed.
3 The United States requests that all other papers on file in this
4 action remain under seal because in discussing the content and
5 extent of the United States' investigation, such papers are provided
6 by law to the Court alone for the sole purpose of evaluating whether
7 the seal and time for making an election to intervene should be
8 extended.

9 A proposed order accompanies this Notice.

10
11 DATED: November 17, 2014

Respectfully submitted,

12 STEPHANIE YONEKURA
13 Acting United States Attorney
14 LEON W. WEIDMAN, AUSA
15 Chief, Civil Division
16 DAVID K. BARRETT, AUSA
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18 LINDA A. KONTOS, AUSA
19 Deputy Chief, Civil Fraud Section

20
21 
22 ABRAHAM MELTZER, AUSA
23 Attorneys for the United States
24 of America
25
26
27
28

PROOF OF SERVICE BY MAILING

I am over the age of 18 and not a party to the within action. I am employed by the Office of United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On November 18, 2014, I served

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION on each person or entity named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Date of mailing: November 18, 2014. Place of mailing: Los Angeles, California.

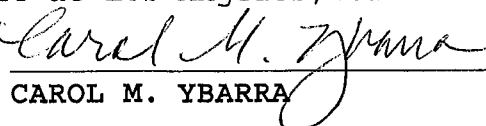
Person(s) and/or Entity(ies) to Whom mailed:

SEE ATTACHED LIST.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on: November 18, 2014 at Los Angeles, California.


CAROL M. YBARRA

SERVICE LIST

David L. Scher, Esq.
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